

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ROLAND C. ANDERSON, :  
 :  
 Plaintiff, :  
 :  
 v. : Civil Action No. 05-877-JJF  
 :  
 GENERAL MOTORS CORP., :  
 :  
 Defendant. :

## ORDER

WHEREAS, on August 28, 2007, Plaintiff filed a Motion To Stay Lower Court Proceeding pending resolution of Appellate Case No. 07-1908 (D.I. 49);

WHEREAS, on September 10, 2007, Plaintiff filed a Motion To Stay Lower Court Proceeding, including discovery pending resolution of Appellate Case No. 07-1908 (D.I. 53);

WHEREAS, on September 11, 2007, Plaintiff filed an appeal of the Court's Orders denying Plaintiff's Motion for Reconsideration of Plaintiff's Motion for Default Judgment, Plaintiff's request for appointment of counsel (D.I. 46) and Plaintiff's Motion To Stay (D.I. 47);

WHEREAS, the Court of Appeals for the Third Circuit dismissed Appellate Case No. 07-1908 on September 13, 2007 (D.I. 50);

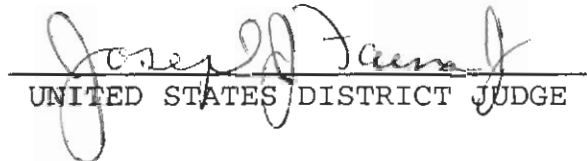
WHEREAS, to the extent that Plaintiff's Motions To Stay are not moot and can be said to apply to Plaintiff's September 11 appeals, the Court concludes that Plaintiff has not demonstrated the factors justifying a stay pending appeal; see The First

Amendment Coalition v. Judicial Inquiry and Review Board, 584 F.Supp. 635, 636 (E.D. Pa. 1984) (holding that stay pending appeal requires the following four factors: (1) that he will likely prevail on the merits of the appeal; (2) that he will suffer irreparable injury if the stay is denied; (3) that other parties will not be substantially harmed by the stay; and (4) that the public interest will be served by granting the stay);

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motions To Stay (D.I. 49, 53) are **DENIED**;

IT IS FURTHER ORDERED that in light of the recent extension of deadlines in this matter (D.I. 47), the Pretrial Conference scheduled for October 4, 2007 will be rescheduled to be heard on **Thursday, March 6, 2008 at 11:30 a.m.**, in Courtroom No. 4B on the 4th Floor, United States Courthouse, Boggs Federal Building, Wilmington, Delaware.

September 17, 2007

  
UNITED STATES DISTRICT JUDGE